

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN EWING, JR.,

Plaintiff,

v.

UNITED STATES MARSHALS
SERVICE, et al.,

Defendants.

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No. 4:06-CV-1724 CAS

ORDER

This matter is before the Court on a motion for appointment of next friend pursuant to Rule 17(c), Federal Rules of Civil Procedure, on behalf of plaintiff John Ewing, Jr.

It is clear to this Court that Mr. Ewing requires the appointment of a next friend. According to a mental health evaluation dated December 23, 2008, Mr. Ewing suffers from a mental condition that materially affects his ability to understand the nature and consequences of these proceedings and consult with his court-appointed attorney with a reasonable degree of rational understanding. See Doc. 52. In light of this report, the Court ordered plaintiff's appointed counsel to confer with his client and propose a person to serve as Mr. Ewing's next friend. According to filings made with the Court, plaintiff has no friends or family members who are willing or able to serve as a next friend in this suit. Plaintiff's appointed counsel has represented to the Court, however, that Nancy Price, Esq., a criminal defense attorney and former Federal Public Defender from Springfield, Missouri, has agreed to serve as Mr. Ewing's next friend in this matter. Ms. Price, who is a member in good standing with the Missouri Bar, appears qualified to serve as Mr. Ewing's next friend. Therefore, for

good cause shown, the motion will be granted, and the Court will appoint Ms. Price to serve as Mr. Ewing's next friend in this suit.

Accordingly,

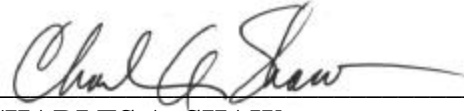
IT IS HEREBY ORDERED that the motion for appointment of next friend for plaintiff John Ewing, Jr. is **GRANTED**. Nancy Price, Esq., 2808 South Ingram Mill Road, Suite A104 Springfield, Missouri 65804, telephone number (417) 447-6874, is appointed as next friend for Mr. Ewing in this suit. [Doc. 57]

IT IS FURTHER ORDERED that the caption of this case is amended to read as follows: "John Ewing, Jr., by and through his Next Friend, Nancy Price, Esq., plaintiff, v. United States Marshals Service, et al., defendants." The Clerk of Court shall modify the docket and the short caption to reflect this change, and the parties shall use the amended caption on all future filings.

IT IS FURTHER ORDERED that the Clerk of the Court shall provide appointed next friend, Ms. Nancy Price, with a copy of the complete Court file, including documents that have been placed under seal or are designated restricted viewing.

Ms. Price is advised that she may apply for disbursement of funds from the Eastern District's Attorney Admission Fee Non-Appropriated Fund, which is governed by Local Rules 12.03 and 12.06, the Administrative Order of January 15, 2008 concerning the Attorney Admission Fee Non-Appropriated Fund, and the Regulations Governing the Disbursement of Funds from the Non-Appropriated Fund for Attorney's Fees and Out-of-Pocket Expenses Incurred by Attorneys Appointed to Represent Indigent Parties in Civil Proceedings Pursuant to 28 U.S.C. § 1915(e), dated January 15, 2008. The Order and Regulations, as well as form

requests for compensation of services and reimbursement of expenses, may be obtained from the Clerk of the Court or printed from the Court's Internet website, www.moed.uscourts.gov.

A handwritten signature in cursive script, reading "Charles A. Shaw", written in black ink. The signature is positioned above a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 6th day of May, 2009.